

Remarks

The present response is to the Office Action mailed the above-referenced case on 12/11/2007. Claims 1-8, 13-15, 18-23 and 25-27 are presented for examination.

Response to Arguments

The rejection of claims 1-8, 13-15, 18-23, and 25-27 U.S.C. 103(a) as being unpatentable by Northington et al. (US 6,128,602) and Atkins (US 5,875,437) is maintained.

Upon a closer examination, Applicant's arguments filed October 30, 2007 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

In response to applicant's arguments against the references individually, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant alleges that the prior art made of record fails to teach through direct linking between the main, cobranded, and institution-specific interfaces, any parameters associated with any action initiated to a specific account through any of the interfaces is immediately propagated to the other interfaces. The examiner disagrees with applicant's representative since Northington teaches through direct linking between the main, cobranded, and institution-specific interfaces, any parameters associated with any action initiated to a specific account through any of the interfaces is immediately propagated to the other interfaces (col. 3, lines 21-48). Northington discloses accessing remote network connected computer systems (ie. interfaces is immediately propagated to the other interfaces as claimed). He discloses tracking of all transactions performed by an

individual or group within the systems. Moreover, the elements and components of the system may be implemented with a single computer, multiple computers within a distributed network, or any appropriate configuration of software, hardware, or both as may be apparent to one of skill in the art.

In addition, Applicant alleges that the prior art made of record fails to teach at least one cobranded electronic interface supported by back-end software, the cobranded interface mirroring the accounts registered in the main electronic interface. The examiner disagrees with applicant's representative since Northington teaches at least one cobranded electronic interface supported by back-end software, the cobranded interface mirroring the accounts registered in the main electronic interface (col. 10, lines 56-65; col. 11, lines 4-15). Northington allows authorized end users to request copies of transaction records. In order to have copies then records have to mirror the main accounts. Furthermore, he discloses an entity with the ability to administer and control in real time financial transaction capabilities at an individual account or "cardholder" level, at a group level (including a plurality of individual accounts) and at a global level (including all accounts within the entity). Administration and control functions at the individual, group and global levels may include: adding (i.e. registered as claimed) one or more new individual accounts to enable purchasing authority).

With regards to the claims rejected as taught by Northington and Atkins, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Northington and Atkins taught the claimed limitations.

Applicant's response

The Examiner states; "In response to applicant's arguments against the references individually, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d

413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Keller decision is perhaps the most misused decision by Examiners in the USPTO. That decision is based on an assumption that the references actually teach the limitations of the claims. If an Examiner cites two references in an obviousness combination, and the primary reference **does not teach** what the Examiner alleges it does teach, then the rejection is not a prima facie rejection, and fails. In this case the Examiner seems to insist that Northington teaches at least one cobranded interface, which **Northington simply does not teach**. Additionally, the art of Northington and Atkins fail to teach a plurality of institution-specific electronic interfaces for providing direct account registration, reporting, and maintenance specific to accounts provided by the associated institutions, characterized in that through direct linking between the main, cobranded, and institution-specific interfaces, any parameters associated with any action initiated to a specific account through any of the interfaces is immediately propagated to the other interfaces.

It is not the reference we are attacking. It is the Examiner's use of the reference in making an improper combination. The basis of patent law is that it is the burden of the Office to show that the limitations of the claims are in the art, whether in one reference or many combined. In this case there are several limitations that are not shown in the combined art.

Applicant points out that claim 1 clearly recites, "at least one cobranded electronic interface, supported by back-end software, the cobranded interface mirroring the accounts registered in the main electronic interface" and "a plurality of institution-specific electronic interfaces for providing direct account registration, reporting, and maintenance specific to accounts provided by the associated institutions, characterized in that through direct linking between the main, cobranded, and institution-specific interfaces, any parameters associated with any action initiated to a specific account through any of the interfaces is immediately propagated to the other interfaces."

Applicant will provide arguments below which will clearly show that Northington and Atkins fail to teach or suggest the claim limitations listed above. Applicant urges the Examiner to consider the arguments provided below in a diligent manner and not merely repeat the same rejection in the next Office Action because applicant's remarks are similar to the remarks of January 17, 2007. Applicant provides reasonable and valid arguments which applicant would appreciate the Examiner respond to by showing where applicant errs in the argument in relation to the teachings in the art, not just citing a separate teaching of the art.

Claim Rejections – 35 USC § 103

1. Claims 1-8, 13-15, 18-23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Northington et al. (US 6,128,602) in view of Atkins (US 5,875,437).

Examiner's rejection

Re claims 1, 13, and 20, Northington teaches a system for updating parameters of financial transactions associated with financial services initiated and completed on behalf of or directly by a user through access to a data-packet-network into more than one electronic interface accessible to the user is provided (col. 7, lines 5-26; col. 9, lines 41 - 48; fig. 1; Northington obtain updated financial in a Internet system) comprising:

a main electronic interface supported by back-end software, the main interface for registering all user accounts into at least one portfolio group, the accounts accessible in detail through the main interface (col. 11, lines 4-15; col. 17, lines 50-55; fig. 7; Northington discloses an entity's portfolio Report Forecast wherein his system provides one or more authorized users with the ability to monitor financial transactions on-line and manipulate and control all financial transactions of the entity in real time using, for example, Web-browser software technology);

Applicant's response

Applicant's claim 1 specifically recites, "a main electronic interface, supported by back-end software, the main interface for registering all user accounts into at least one portfolio group, the accounts accessible in detail through the main interface". Applicant points out that although the Examiner cited portions of Northington the claimed element of a main electronic interface was not specifically named or pointed out by the Examiner. Applicant believes that because there are several different interfaces claimed, it is important that the Examiner not be vague when showing claimed interfaces in the art of Northington.

Applicant has reviewed the portions of Northington, cited by the Examiner, and assumes the Examiner is relying upon Web services element 104 in Northington to read on the claimed main electronic interface as described in the cited portion col. 11, lines 4-15. The Examiner also cites col. 17, lines 50-55 and Fig. 7. Figure 7 shows a block diagram of a method of obtaining financial transaction data in response to a user's input. Column 17, lines 50-55 describe types of reports that can be made by the entity for card holders and account holders.

Applicant argues that the "entity" in the col. 17, lines 50-55 teaching is not the account holder or card holder but the company or agency providing the financial services (col. 17, line 5). The teaching reads that account information and reporting are made to a card association regarding an entities portfolio. The title of the report is "Quarterly Operating Certificate" and has nothing to do with an actual account holder's portfolio. Therefore, the Examiner has clearly misinterpreted and misrepresented the portfolio teaching in the art of Northington.

Examiner's rejection

at least one cobranded electronic interface supported by back-end software, the cobranded interface mirroring the accounts registered in the main electronic interface (col. 10, lines 56-65; col. 11, lines 4-15; Northington discloses an entity with the ability to administer and control in real time financial transaction capabilities at an individual account or "cardholder" level, at a group level (including a plurality of individual

accounts) and at a global level (including all accounts within the entity). Administration and control functions at the individual, group and global levels may include: adding (i.e. registered as claimed one or more new individual accounts to enable purchasing authority); and providing direct account registration, reporting, and maintenance specific to accounts provided by the associated institutions, characterized in that through direct linking between the main, cobranded, and institution-specific interfaces, any parameters associated with any action initiated to a specific account through any of the interfaces is immediately propagated to the other interfaces (col. 3, lines 21 -32).

Applicant's response

Applicant argues that Northington fails to teach “associated institutions” as espoused by the Examiner. The Examiner has arbitrarily inserted this language and it does not exist in the art of Northington. Northington is a single financial entity offering accounts to users. Applicant believes it is improper examining procedure to insert teachings in a piece of art and then use it to reject applicant's claim limitation.

Additionally, applicant argues that the Examiner is ignoring the meaning of “cobranded” in applicant's limitation “at least one cobranded electronic interface, supported by back-end software, the cobranded interface mirroring the accounts registered in the main electronic interface”. Applicant believes this is improper examining procedure. There is a meaning for cobranding that is well known in the art. Applicant described cobranding as “providing service function through a third-party entity”(page 71, lines 4-6). A third-party is known to anyone with remote skill in the art as an entity separate from or not a party to the main entity. Co-branding is when two companies form an alliance to work together, creating marketing synergy. In the book **Co-Branding: The Science of Alliance**, by Tom Blackett and Bob Boad, they wrote:

“the term 'co-branding' is relatively new to the business vocabulary and is used to encompass a wide range of marketing activity involving the use of two (and sometimes more) brands. Thus co-branding could be considered to include

sponsorships, where Marlboro lends its name to Ferrari or accountants Ernst and Young support the Monet exhibition.”

Co-branding is an arrangement that associates a single product or service with more than one brand name, or otherwise associates a product with someone other than the principal producer. The typical co-branding agreement involves two or more companies acting in cooperation to associate any of various logos, color schemes, or brand identifiers to a specific product that is contractually designated for this purpose.

Applicant argues that the Examiner has failed to provide a reference teaching at least one cobranded interface separate from the main interface. Column 10, lines 56-65 and col. 11, lines 4-15 clearly refer to the main interface 104, pointed out above. The Examiner is clearly finessing the art attempting to rely on the same interface taught in Northington to read on applicant's claimed main interface and the cobranded interface. Applicant argues that server functionality offered in Web services element 104 provides all services from a single interface and Northington does not teach otherwise. Therefore, the Examiner has failed to provide a reference teaching a main electronic interface and cobranded interface, as claimed.

Further, applicant argues that Northington fails to teach back-end software operating between the two claimed interfaces and the Examiner has failed to specifically point it out in the reference, he merely assumes it is there. Therefore, applicant's claimed back-end software has not been shown in the art by the Examiner.

Examiner's rejection

However, Northington does not explicitly teach a plurality of institution-specific electronic interfaces. On the other hand, Atkins discloses a plurality of institution-specific electronic interfaces when he discloses a variety of financial institutions and firms that market financial services (hereinafter referred to as "financial institutions") to sell an entire range of financial products (col. 7, line 19 to col. 8, line 61). Atkins discloses prioritization function also provides financial institutions an easily definable means of

managing individual accounts that have a potentially infinite number of investment opportunities in a way that minimizes the detrimental aspects of enforcing compliance while satisfying the financial institution's credit-related objectives. He also discloses the financial institution's office through a personal computer with a modem or an interactive video terminal located in the individual's home. Such devices include a portable computer, a point of sale terminal linked to the network or an intelligent telecommunication device such as a PDA (i.e. electronic interfaces). Thus, it would have been obvious to one of ordinary skill in the art to enable a plurality of institution-specific electronic interfaces for effecting an improved personal financial analysis, planning and management system by incorporating a digital system of electronic exchange as discloses in Atkins.

Applicant's Response

Applicant argues that Atkins fails to teach a plurality of electronic interfaces, as claimed. Atkins teaches; "The individual account subsystem 14 is the central operating account through which all transfer, exchange, savings, investment, and borrowing transactions are implemented, coordinated, controlled, analyzed and reported to the individual. Through this HOME Account™ subsystem the individual is provided with individual reports, updated on a real time basis, as well as provided with portfolio management and financial services, including personal financial planning services" (col. 13, lines 27-36). Clearly, Atkins fails to teach a plurality of institution-specific electronic interfaces, as claimed. Atkins teaches one main account the user accesses to perform all financial functions and transactions, this teaching strongly suggests a single interface at the main account. Applicant points out that there is no teaching in Atkins contrary to applicant's interpretation. The Examiner's interpretation of Atkins is in error, as Atkins teaches a plurality of financial institutions, not a plurality of electronic interfaces accessed by a user, as claimed.

Applicant has proven through argument pointing out exact teachings in the art that the claimed limitations of applicant's claim 1 are NOT shown in the art, as assumed by the Examiner. Therefore, claim 1 is clearly patentable over the art of Northington and Atkins, either singly or combined. Claims 2-8 are patentable on their own merits, or at least as depended from a patentable claim.

Independent claims 13 and 20 recite a multitude of interfaces containing the common portfolio and account data. Applicant has clearly shown said interfaces do not exist in the art provided by the Examiner. Applicant clarifies for the Examiner that "electronic interfaces" as claimed, may not be interpreted as the electronic displays that access a given electronic interface as these are mere tools used to access the interface. Applicant believes claims 13 and 20 are patentable as argued on behalf of claim 1. Claims 14-15, 18-19, 21-23 and 25-27 are patentable on their own merits, or at least as depended from a patentable claim.

Summary

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
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